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II-A-007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 3 1997

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Amoco Petroleum Products, Inc.  
Attn: J.E. Boyajian, V.P. Sales Operations  
Mailcode 1604A  
200 E. Randolph Dr.  
Chicago, IL 60601

Re: File No. AED/MSEB - 4684

NOTICE OF VIOLATION OF THE CLEAN AIR ACT AND  
REQUIREMENT FOR INFORMATION  
PURSUANT TO SECTION 114  
THE CLEAN AIR ACT

Dear Mr. Boyajian:

On September 4, 1995, representatives of the Southwest Research Institute inspected Holabird Amoco, a branded retail gasoline outlet, located at 6648 Holabird Avenue, Baltimore, Maryland, as part of a compliance survey program plan approved by the Administrator of the U.S. Environmental Protection Agency pursuant to 40 C.F.R. §80.68(b). The inspection was conducted to determine compliance with section 211(k) of the Clean Air Act ("Act"), 42 U.S.C. §7545(k), and the regulations issued thereunder (40 C.F.R. Part 80, subpart D) regarding sale of reformulated gasoline.

The emissions of harmful gases is higher when improper fuels are used in internal combustion engines. In order protect our air quality from avoidable pollution Congress has established a program to ensure use of improved fuels for motor vehicles.

Under that program no person may manufacture or sell or distribute, offer for sale or distribution, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline represented as reformulated and intended for sale or use in any covered area unless such

gasoline meets the applicable standards specified in 40 C.F.R. § 80.41. Violators are subject to a civil penalty of up to \$25,000 per day for each violation in addition to disgorging the amount of the economic benefits and savings which result from the violation.

Holabird Amoco is located in a reformulated-gasoline covered area, and the gasoline inspected was represented to be reformulated and intended for sale or use in the covered area. As a result of the inspection, EPA has determined that gasoline was manufactured, sold or distributed, offered for sale or distribution, dispensed, supplied, offered for supply, stored, transported, or caused to be transported in violation of 40 C.F.R. §80.78(a)(1) in that it failed to meet the applicable Reid Vapor Pressure ("RVP") standard specified in 40 C.F.R. §80.41. Specifically the regular unleaded gasoline measured 7.8 pounds per square inch ("psi") RVP which violates the applicable standard of 7.4 psi RVP, in violation of 40 C.F.R. §80.78(a)(1).

As the refiner whose brand name is carried at the Holabird Amoco retail station at which the violation was discovered, Amoco is liable for the violation of 40 C.F.R. §80.78(a)(1) pursuant to 40 C.F.R. §80.79(a)(2).

Sections 211 and 205 of the Act, 42 U.S.C. §§7545 and 7524, authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 for every day of violation plus the economic benefit or savings resulting from the violation. In determining the appropriate penalty for this violation we consider the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of your business, your history of compliance with the Clean Air Act, actions taken by you to remedy the violation and to prevent recurrence of further violations, the effect of the penalty on your ability to continue in business and such other matters as justice may require.

We believe it is in your interest to demonstrate that remission or compromise of the penalty is appropriate. In order to assist us in developing the appropriate penalty we have prepared the enclosed Request for Information. Under the law you are required to submit this information or be subject to penalties and other sanctions in addition to those assessed for the fuel violation discussed above. Furthermore, if you do not submit this information in a timely manner, we will make assumptions adverse to you with regard to the factors to consider in determining the appropriate amount of civil penalty and whether remission or compromise of the civil penalty amount is appropriate. Therefore if you do not supply the requested information the resulting penalties may be larger than if you do.

We encourage early settlement of such matters. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice recommending filing of a civil complaint in federal district court.

The EPA attorney named below has been assigned to prosecute this case. Please contact this attorney regarding the Notice of Violation and send him all information which responds to the Requirement for Submission of Information enclosed with this notice..

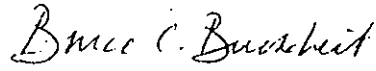
David E. Alexander, Attorney  
U.S. Environmental Protection Agency  
Air Enforcement Division  
Mobile Sources Enforcement Branch  
401 M Street, S.W. (2242-A)  
Washington, DC 20460

Telephone: (202) 564-2109

address for non-Postal Service deliveries only:  
Ariel Rios Building, Room 1109-A  
1200 Pennsylvania Ave. N.W.  
Washington, DC 20530

At the risk of repeating myself, please let me emphasize that we take our obligation to enforce these requirements seriously, and that we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

  
Bruce C. Buckheit, Director  
Air Enforcement Division

Enclosure

cc.: James T. Lee, Terminal Manager

Enclosure

REQUIREMENT FOR SUBMISSION OF INFORMATION  
PURSUANT TO SECTION 114 OF THE CLEAN AIR ACT, 42 U.S.C. §7414

Re: File No. AED/MSEB - 4684

Section 114(a) of the Act, 42 U.S.C. §7414(a), provides that the Administrator may require any person who is subject to any requirements of the Act "to make such reports . . . and . . . provide such other information as the Administrator may reasonably require . . . ." Amoco Petroleum Products is subject to the requirements and prohibitions of the reformulated gasoline and anti-dumping requirements of section 211(k) of the Act, 42 U.S.C. § 7545(k) and thereby is also subject to the informational requirements of section 114(a) of the Act.

Pursuant to authority contained in section 114 of the Act, 42 U.S.C. §7414, provide the following information for the period of May 1, 1995, through September 15, 1995, unless otherwise specified:

1. We are assuming your annual gross revenues (income before expenses or deductions) are greater than \$250,000,000. If you do not agree, submit your financial statements for this fiscal year to date, and for the three preceding fiscal years, including but not limited to balance sheets, profit and loss statements, statements of changes in position and federal income tax returns.
2. All product transfer documents relating to the purchase, sale, transport, blending or storage of any reformulated gasoline, conventional gasoline and/or components of any reformulated gasoline or conventional gasoline to or from the Holabird Amoco Retail Station, located at 6648 Holabird Avenue, Baltimore, Maryland.
3. Documents which identify the number, name and address of all retail outlets, wholesale purchaser-consumer facilities and distributorships to which Amoco-Curtis Bay Terminal distributed reformulated or conventional gasoline during the period of January 1, 1995 through to and including January 1, 1996.
4. Documents demonstrating your management oversight and quality assurance sampling and testing program to prevent transfers of conventional gasoline into reformulated gasoline covered areas.
4. Documents demonstrating what actions were taken to remedy the violation, including the disposition of non-complying gasoline, and to ensure that similar types of violations are less apt to occur in the future.

5. Any and all other information indicating that remission or compromise of the civil penalty is appropriate. You may elect to provide a statement of the cause of the violation, if known, and any mitigating factors you desire to bring to our attention.

The response to this request shall be full, complete, and to the best of your knowledge. A reply which is false, misleading, or made with indifference regarding its veracity may be a violation of 18 U.S.C. 1001 and may subject you to criminal liability. In addition, for the purposes of calculating the penalty under the Act, such a reply will be deemed equivalent to a refusal to submit information. Your reply must be submitted within 15 days after the date of this letter. If you encounter difficulty in responding to this request within this time frame, please contact the case attorney identified herein. Absent a written extension of the required response date, your failure to respond by the date set forth may lead to immediate enforcement action and lost opportunity for early settlement of this matter. EPA's enforcement options include the issuance of a compliance order by the Administrator under section 113(a) of the Act, the filing of a civil action seeking a permanent or temporary injunction, and a civil penalty of not more than \$25,000 per day of violation, under section 113(b) of the Act.

Pursuant to EPA regulations appearing at 40 C.F.R. Part 2, you are entitled to assert that any part of the submitted information is confidential. If you do not assert such a claim, the submitted information may be available to the public without further notice. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above cited regulations.